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09/862,858	05/22/2001	Robert B. Chaffee	C0852/7013 JNA	8373

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

NOTIFICATION DATE	DELIVERY MODE
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11/01/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/862,858	Applicant(s) CHAFFEE, ROBERT B.	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-15, 18-34, 55, 62-73 and 75-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15, 18-34, 55, 62-73 and 75-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7, 9-14, 18-20, 22, 24, 26-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, and 85-86 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,695,269 to Anscher.

In reference to claims 1, 13, 62, 79, and 86, Anscher discloses a fastener having a base 10; a housing defined by a semicircular wall and overhanging lip (19,20)(fig. 4-5) connected to the base adapted to retain a fastening element 25 (fig. 3) when the fastening element is inserted in the housing and a latch 22 connected to a flexible portion defined by arm 21 the base (fig. 9-10) and positioned relative to the housing to retain a fastening element 25 by interference with a lateral surface 28 of the fastening

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element, the latch including a surface that is proximate an opening in the housing, wherein each of the flexible portion of the base and the surface is externally accessible with the fastening element retained in the housing, the latch is configured such that the fastening element is inhibited from being removed from the housing absent an application of a force applied to the surface proximate the opening to flex the flexible portion (col. 3 lines 48-58) *"To remove the implement holder, arm 21 must be depressed sufficiently so that the implement holder clears protrusion 23. Protrusion 23 also provides a convenient location for the user to press down on arm 21 to release implement holder as explained below"*.

Regarding claims 2, 19, and 63, Anscher discloses the fastener of claims 1 and 62 as discussed above, and discloses a flange defined by bars (11-15) and wherein the housing and the latch are both connected to the flange.

Regarding claims 3, 20, 64, and 80, Anscher discloses the fastener as discussed above, wherein the flange is configured so that it can be connected to a sheet of material 18 (fig. 2).

Regarding claims 5, 22, 30, and 66, Anscher discloses the fastener of claims 1 and 62 as discussed above, wherein the housing comprises a side wall 19 and a retaining lip 20.

Regarding claims 7, 24, 32, and 68, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the side wall 19 comprising a semi-circular section (fig. 1).

Regarding claims 9, 26, and 69, Ancsher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch is flexible (fig. 9-10)(col. 4 lines 15-21).

Regarding claims 10, 27, and 70, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch having a flange that is generally parallel to a base of the housing and projecting towards the interior of the housing (fig. 1).

Regarding claims 11, 33, and 71, Anscher discloses the fastener of claims 1 and 22 as discussed above, and further discloses the latch defines a protrusion having a wall portion corresponding to the shape of the fastening element (fig. 4).

Regarding claims 12 and 72, Anscher discloses the fastener of claims 1 and 62 as discussed above, and further discloses the fastener is formed in a sheet of material 18.

Regarding claim 14, wherein the fastening element is flexible (col. 4 lines 15-21 & 55-56).

Regarding claim 18, Anscher discloses a fastener that can be attached to a first surface 18, comprising:

- a base 10;

- a housing connected to the base comprising a retaining lip 20, the housing having a second surface defined by the top (fig. 4,5), at least a portion of the second surface being substantially parallel to the first surface, the housing being sized and adapted to retain a fastening element; and

a latch 22 connected to a flexible portion of the base and positioned relative to the housing (fig. 9-10) so that the latch in combination with the housing retains the fastening element, the latch comprises a first portion 23 to which pressure is applied when the fastening element is moved into engagement with the fastener and a second portion comprising a third surface defined by an engaging floor disposed intermediate the first surface and the second surface upon which the fastening element rests when in an engaged position (fig. 4-5), at least a portion of the third surface being substantially parallel to the first surface.

Regarding claims 34 and 85, Anscher discloses the fastener of claim 13 as discussed above, and further discloses the latch is positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element (fig. 9-10)(col. 4 lines 48-58).

Regarding claim 55, Ansher discloses the fastener of claim 13 as discussed above, and further discloses the fastener is attached to an object and the latch is depressible in the direction of the object.

Regarding claims 73 and 75-76, Ansher discloses the fastener of claim 62 as discussed above, and further discloses that the latch is accessible such that an external force can be applied by an operator's finger to depress the latch (col. 4 lines 53-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 23, 31, 67, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher in view of U.S. Pat. No. 5,507,610 to Benedetti et al.

Regarding claims 6, 23, 31, 67, 82, Ansher discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the retaining lip defining a downwardly extending notch to accommodate a fastening element attachment mechanism. Benedetti discloses a fastening assembly with a housing 12 having a retaining lip defining a downwardly extending notch 14. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the retaining lip and extending notch as taught by Benedetti in order to prevent the fastener from being exposed (col. 4 lines 9-11).

Claims 4, 15, 21, 25, 28-29, 65, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher.

Regarding claims 15 and 25, Ansher discloses the fastener of claim 13 as discussed above, but fails to disclose the housing being flexible. The flexibility of

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molded materials is well known and it would have been obvious to construct the entire housing from a material that is flexible in order to provide a resilient latch to releasably hold the fastening element.

Regarding claims 4, 21, 28-29, 65, and 81 Anscher discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the flange being made of thermoplastic and heat sealed the sheet of material. The use of thermoplastic fabric materials and the methods employed to seal components together are well known and it would have been obvious for one having ordinary skill in the art at the time of the invention to merely select a thermoplastic material and heat seal the flange to the fabric in order to ensure fastening assembly of Ansher does not break away from the edges of the fabric.

Claims 77-78, 83-84, and 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,695,269 to Ansher in view of U.S. Pat. No. 4,681,552 to Courtney.

Regarding claims 77-78, 83-84, and 87-88, Ansher discloses the fastener of claim 13 as discussed above, but fails to disclose an inflatable bladder. Courtney discloses a backpack 24 having an inflatable bladder 36. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ an inflatable bladder as taught by Courtney in order to provide buoyancy compensation and provide a life vest.

Response to Arguments

Applicant's arguments filed 9/17/07 have been fully considered but they are not persuasive.

With regards to figures 14, 15a, 15b, the Examiner is not relying upon the figures 14, 15a, and 15b as suggested by the Applicant. Furthermore, the figures do nothing more than illustrates a side cross-sectional view of the depressible latch wherein a second portion comprising a third surface defined by an engaging floor disposed intermediate the first surface and the second surface upon which the fastening element rests when in an engaged position. As previously stated figure 15b is not an alternative embodiment as asserted by the Applicant. The depressible latch 23 is clearly disclosed in the Application '680 figures 4-5 (pg. 7 line 10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EC
